

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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|--------------------|---|-------------------------------|
| ABBAS ELCHEIKHALI, | : | |
| | : | |
| Plaintiff, | : | Civil Action No. 09-1618(KSH) |
| v. | : | |
| | : | |
| C.C.A., et al., | : | ORDER ON INFORMAL |
| | : | APPLICATION |
| Defendants. | : | |
| | : | |

This matter having come before the Court by way of letter from defendants Meyers and Wabba dated June 2, 2010, requesting leave to file a motion for summary judgment based upon a claim that the evidence will not show that they were deliberately indifferent and hence are not liable under 42 U.S.C. § 1983;

and the Court permitting motion practice after the completion of all fact discovery to ensure that the record is complete before motions are filed;

IT IS THEREFORE ON THIS 3rd day of June, 2010

ORDERED that request of defendants Meyers and Wabba for leave to file a motion for summary judgment based upon a claim that the evidence does not show that they were deliberately indifferent and hence are not liable under 42 U.S.C. § 1983 is granted but said motion may not be filed before the deadline to complete fact discovery and shall be filed no later than **August 13, 2010**. The plaintiff's response to the motion shall be filed no later than **August 23, 2010**, even if the motion itself is filed before **August 13, 2010**. The reply shall be submitted no later than seven days after the response is filed but in no event after **August 30, 2010**;

IT IS FURTHER ORDERED that nothing herein constitutes a ruling concerning the merits of the motion; and

IT IS FURTHER ORDERED that all other deadlines, including those associated with submission of the written narrative statement of facts, witness list, summary of expected testimony and exhibit list, remain unchanged even a dispositive motion is pending.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE